

## Planning and Zoning Commission Meeting Minutes of June 6, 2007

### Work Session (1st Floor; Public Works) – 4:00 PM

The Commission and staff reviewed the agenda. There was some discussion regarding Mixed Use District proposed ordinance and concerns from Commissioners were reviewed about the 100 Park Avenue project.

### Regular Session (1st Floor; Public Works) – 5:00 PM

**Call to Order:** Chairman Byers called the meeting to order at 5:03 PM.

**Attendance:**

Members Present:

Tom Byers, Chair

Steve Sizemore, Vice-Chair

Buzzy Cannady

Jerome Jones (arrived at 5:09 pm)

Cindy Weeks

David Young

Member(s) Absent:

Darryl Hart

Mr. Byers called for action on the minutes of May 2, 2007. A motion by Mr. Sizemore to approve the minutes was seconded by Mr. Cannady: the motion was approved unanimously (5-0).

Mr. Byers announced that this was Mr. Shuford's last Planning and Zoning public hearing. He read and presented a Resolution from the Commissioners to Scott Shuford and expressed complimentary words and appreciation for his extensive efforts as Planning and Development Director for the City of Asheville.

Agenda Item	
Consideration of Conditional Use Permit review for the project identified as <b>100 Park Avenue</b> . The request is for a 39-unit condominium development with a density bonus and modifications to setback and landscape requirements. The owner is Athens Asheville Partners, LLC and the contact is Gerald Green. PIN 9648.05-08-0068.	
<b>Staff Comments</b>	Alan Glines oriented the Commission and audience to the site location and provided the staff report. He answered Commission questions regarding TRC conditions and materials used for the building.
<b>Public Hearing Opened</b>	5:24 PM
<b>Applicant(s)/Applicant Representative(s)</b>	<ul style="list-style-type: none"> <li>Smith Wilson, developer/builder, provided a brief presentation about his project, stating that he appreciated the bonus and opportunity to develop in Asheville.</li> <li>Gerald Green, applicant's representative, showed a power point presentation and explained the merits of the project. He answered questions and indicated how open spaces will be made available to community. Gerald Green offered to make it a condition; the size of the units (which are 1, 2, 3</li> </ul>

	<p>bedroom units from 900 – 1,400 square feet, 9 - 1 bedrooms, 8 - 3 bedrooms, 22 - 2 bedrooms; inquiry's were made about affordable housing and felt that the higher density would not be compatible. They could do the same number of units, but would have reduced quality.</p>
<b>Public Comments</b>	
<b>Speaker Name</b>	<b>Issue(s)</b>
<p>The following persons spoke in opposition to the request:</p> <ul style="list-style-type: none"> <li>- Patti Tomo-WECAN Board President</li> <li>- Jessie Coleman</li> <li>- Luella Heetderks</li> <li>- Alfie Rodriquez</li> <li>- Bret Frk</li> <li>- Heather Rayburn</li> </ul>	<ul style="list-style-type: none"> <li>• Height and scale of structures</li> <li>• Stormwater runoff</li> <li>• Compatibility with neighborhood</li> <li>• Rising tax pressures –gentrification-need for homestead exemption tax</li> <li>• Traffic-narrowness of Park Avenue; trips; blind curve</li> <li>• Need for affordable and/or mixed income housing</li> <li>• Insufficient infrastructure</li> <li>• Need to retain on-street parking</li> <li>• Energy footprint</li> <li>• Need to tape meeting</li> </ul>
<b>Public Hearing Closed</b>	6:00 PM
<b>Commission Comments/Discussion</b>	
<p>There was Commission questions and discussion regarding stormwater; Tony Houser described the stormwater plan – bio retention; collection-infiltration system; previous pavement; no major system since project reduces previous surface. They will add new 6” main water line so water improvements will occur. They have called DOT to fix the open pipe (part of their system). Regarding trips generated from project, Ken Putnam ran through the numbers. Also, he indicated the narrowness and one-way condition of the road; stated that they want to maintain on-street parking but will keep 10’ clear and this project does accomplish this. This is a common condition in the City of Asheville that helps calm traffic. Alan answered the question about heights allowed, stated that 40 feet is allowed in residential districts, and the project complies with this request and is not seeking a height bonus. The Commission deliberated about the issues dealing with mixed income – stating the uniqueness with the neighborhood requesting affordable housing. There were concerns with the ordinance and the city goals requiring design standards that make units more costly; there is a negative impact as a result of required design standards and property values; concern over scale was discussed. Smith Wilson responded to challenges with providing affordable units. The Commission noted the lack of precedent of developers offering affordable units.</p>	
<b>Commission Action</b>	
<p>On motion by Mr. Sizemore, with a second by Mr. Cannady, the Commission voted to recommend denial of the proposal 4-2 (Byers and Jones opposed).</p>	

<b>Agenda Item</b>
--------------------

Request to rezone property(s) located at <b>Sardis Road – Biltmore Lake (3 LOTS)</b> from IND (Industrial) district to RM 16 (Residential Multi Family High Density) district. The property owners are Biltmore Farms, Inc., and Enka Land Development One, LLC, and the contacts are William Lapsley and Paul Szurek. PINs 9616.02-79-0669 and 7305; 9617.19-70-4045.	
<b>Staff Comments</b>	Blake Esselstyn oriented the Commission and audience to the site location and provided the staff report. He answered Commission questions regarding quality of zoning property on Sardis Road to CI versus this request to Residential Multi Family High Density district.
<b>Public Hearing Opened</b>	6:40 PM
<b>Applicant(s)/Applicant Representative(s)</b>	Will Buie, applicant, showed the image of the master plan for Biltmore Lake and existing residential development, and explained that they would have topography challenges to develop for Industrial use.
<b>Public Comments</b>	
<b>Speaker Name</b>	<b>Issue(s)</b>
The following persons spoke in opposition to the request:	(None)
<b>Public Hearing Closed</b>	6:51 PM
<b>Commission Comments/Discussion</b>	
There was Commission discussion regarding the zoning, stating that it is reasonable to rezone given the context of no road frontage and topography. They would like to receive comments from Sam Powers, Economic Development Director, regarding the state of industry and potential industrial development and impacts of rezonings.	
<b>Commission Action</b>	
On motion by Mr. Jones, with a second by Mr. Sizemore, the Commission voted to recommend 6-0 for the proposal.	

- A. Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding the Creation of a Mixed Use District.
- B. Request to rezone an area including properties located on or near **Merrimon Avenue** from CB I, CB II, (Community Business I and II), CB I CUZ and CB II CUZ (Community Business I and II Conditional Use Zoning), NCD-CZ (Neighborhood Corridor District Conditional Zoning), and HB (Highway Business) districts to Mixed Use District.

Scott Shuford oriented the Commission and audience to the proposed ordinance, reviewing the survey results, current zoning, merits of mixed used districts and differences, and explained the specific standards being proposed for Merrimon Avenue.

Public Hearing Opened 7:37 PM

<b>Speaker Name</b>	<b>Issue(s)</b>
The following persons spoke:	

<ul style="list-style-type: none"> <li>- Billie Buie</li> <li>- Robbie Sweetzer</li> <li>- Hedy Fischer</li> <li>- Mike Lewis</li> <li>- Gene Ellison (Bob Ingle)</li> <li>- Lynn Elfson</li> <li>- Melody Kramer</li> <li>- Gus Barlas</li> <li>- Betsy Murray</li> <li>- David Eck</li> <li>- Randy Jameson</li> <li>- Jim Groce</li> <li>- Suzanne Wycoff</li> <li>- Tom Tribble</li> <li>- Jack Krolack</li> <li>- Deborah Rohrer</li> </ul>	<ul style="list-style-type: none"> <li>• Need clean development standards for parking garage</li> <li>• Curb cuts on Merrimon</li> <li>• Buffering</li> <li>• Utilities (understanding effort and expense)</li> <li>• Creation on non-conformities (Ingles)</li> <li>• Grandfathering</li> <li>• Need for separation of like businesses</li> <li>• Need for bike lanes and center turning lane</li> <li>• Guidelines for establishing “character defining buildings”</li> <li>• Need more natural materials</li> <li>• Address blight</li> <li>• Communication to property owners</li> <li>• Impact on residential traffic</li> <li>• Add PowerPoint to web page</li> <li>• Items lost in translation: f(5)(d) “lowest”, f(11)(b) “entrances” and “primary”; f(11)(e) retaining walls specific to Merrimon Avenue; g(1)(a) height of structures south of WT Weaver Boulevard; g(1)(d) how to apply to existing utilities; is City of Asheville prepared to offer option; f(16) sustainable design encouraged; g(1)(b) change “adjusted” to “increased”; f(5)a should we list in narrative (even though in table) f(5)(d) section deleted (referred to 3/22 documents building heights of interior buildings) why was it removed?; f(g)d intent?</li> <li>• Want development standards for parking garage – should be attractive from every direction</li> <li>• Want to address lighting, noise, exhaust setbacks from residential</li> <li>• Want clarification on grandfathering and continuance of non-conforming uses</li> <li>• What happens with rehab and damage – wants exemption.</li> </ul>
--	---

Chairman Byers closed the public hearing at 8:59 PM. He noted the following:

- Can staff add language to screen parking structure; possibility of approving amendment without parking structure information to be considered later
- Concern about down zoning HB properties; could we leave those out; exempt them for now and will re-review in July?

Public Hearing Closed at 8:59 PM

Upon discussion by the Commission, the following recommendations were made:

- A. Wording Amendment: Mr. Jones moved to recommend approval of the item and changes recommended by the committee, with the exception of the parking structure; the motion was seconded by Mr. Sizemore and carried unanimously (6-0).
- B. Rezoning: Mr. Sizemore moved to recommend approval of the rezoning request and was seconded by Mr. Cannady and carried unanimously (6-0).
- C. Ms. Weeks moved to recommend approval of the proposed owners request (shown below 1 & 2) and seconded by Mr. Cannady. The motion was 4-1 (Mr. Byers opposed and Mr. Sizemore was recused).
  - 1. Rezone street addresses #11 and #17 from CB II to RS 8 (does not include #15)
  - 2. Exclude Highway Business zoned properties and Mr. Groce's property (zoned Community Business II) from the proposal and do not apply Mixed Use District zoning.

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding Revisions to the Stormwater Erosion Control Ordinance.

Cathy Ball, City Engineer, and Chad Pierce, Stormwater Services Manager, outlined the proposed Wording Amendment to the Commission and audience. Ms. Ball answered Commissioner's questions regarding recognizing stakeholders; FEMA regulation of streams (flood zones); River recourse yard requirements; Mr. Pierce presented the 13 points of consideration and indicated that only one did not have a stakeholder consensus. Discussion continued regarding maintenance of inspection of stormwater measures – responsibility on homeowners; bonding; sinking fines; indicated that a permit is validated for 12 months and briefly explained how it works; stated that there are no changes in review times or cost changes; buffers; hardships. The public hearing closed at 10:30 PM. Mr. Jones moved to recommend approval of the wording amendment; seconded by Ms. Weeks and carried unanimously (6-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville to revise Article 7-12-4 to Apply Hillside Grading Requirements to Single Family and Duplex Development.

Scott Shuford introduced the proposed amendment to the Commission and audience and answered Commission questions providing examples using the existing hinge chart. The public hearing opened at 10:39 PM. Grace Curry, a Sunset Mountain resident, expressed concern over past development and urged consideration of the amendment. Mr. Byers closed the public hearing at 10:40 PM. Discussion about the apparent necessity of the amendment ensued; this ordinance is less strict but is for a larger application; it does not diminish recommendations from the previous steep slope ordinance. Mr. Byers moved to recommend approval of the ordinance with Mr. Sizemore seconding the motion. The motion passed (4-1) with Ms. Weeks opposing (Mr. Cannady left early)

The meeting was adjourned at 11:00 pm and the next Planning and Zoning meeting will be held on Thursday, July 12 (due to the holiday).